

ERIE COUNTY LEGISLATURE
MEETING NO. 3
SPECIAL SESSION
January 22, 2004

The Legislature was called to order by CHAIRMAN HOLT.

All Members Present.

A moment of silence was held.

The Pledge of Allegiance was led by MS. MARINELLI.

Item 1 – Minutes of the previous meeting were tabled.

LEGISLATORS RESOLUTIONS

Item 2 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 11

Re: Legislative Personnel Adjustments.
(Intro. 3-1)

A RESOLUTION SUBMITTED BY
LEGISLATORS HOLT AND MARINELLI

WHEREAS, from time to time certain personnel adjustments are necessary to address the staffing needs of the Legislature,

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- After the 1st WHEREAS clause, ADD the following:

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby DELETE one (1) position of ADMIN AST LEG, under Function 2000 -Clerk's Staff -Admin, effective January 22, 2004, and be it further

RESOLVED, that the Erie County Legislature does hereby CREATE one (1) new position of EXEC ASST LEG (JG14, STEP 5), under Function 2000 - Clerk's Staff -Admin effective January 22, 2004, and be it further

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| <u>NAME</u> | <u>RECOMMENDED AMOUNT</u> | <u>SPONSOR</u> |
|--|-------------------------------|----------------|
| Group Ministries | \$50,000 | HOLT |
| Neighborhood Information Center | \$40,000 | DUSZA |
| Buffalo Building Trades Development Partnership | \$5,000 | DUSZA |
| 82 nd Airborne Association Museum | \$1,500 | DUSZA |
| ABLEY | \$15,000 | SCHROEDER |
| Autumnwood Senior Center | \$750 | SCHROEDER |
| Bishop Timon - St. Jude High School | \$6,000 | SCHROEDER |
| Can You Dig It | \$11,200 | SCHROEDER |
| Cazenovia Park Hockey League | \$4,000 | SCHROEDER |
| Cheektowaga Police Department K9 Unit | \$500 | SCHROEDER |
| Doyle Hose Company #2 | \$1,000 | SCHROEDER |
| Doyle Hose Company #1 | \$1,000 | SCHROEDER |
| Galic American Athletic Association | \$5,000 | SCHROEDER |
| General Pulaski Association | \$2,500 | SCHROEDER |
| Gierlach Post | \$1,000 | SCHROEDER |
| Greater South Buffalo Chamber of Commerce | \$14,500 | SCHROEDER |
| Mount Mercy Academy | \$2,000 | SCHROEDER |
| NHS of South Buffalo | \$5,600 | SCHROEDER |
| Old First Ward Community Center | \$10,000 | SCHROEDER |
| O'Sullivan School | \$2,000 | SCHROEDER |
| Polish American Veterans | \$1,000 | SCHROEDER |
| Polish Saturday School | \$500 | SCHROEDER |
| Seneca-Babcock Community Center | \$3,000 | SCHROEDER |
| Sloan Fire Company | \$2,000 | SCHROEDER |
| Sloan Taxpayers Association | \$500 | SCHROEDER |
| Sloan Arts Council | \$500 | SCHROEDER |
| South Buffalo ALIVE | \$5,000 | SCHROEDER |
| South Buffalo Business Association | \$2,000 | SCHROEDER |
| South Buffalo Community Association | \$35,750 | SCHROEDER |
| South Buffalo Education Center | \$14,000 | SCHROEDER |
| South Buffalo Football Association | \$3,500 | SCHROEDER |
| Ss. Rita and Patrick Youth Summer Fun Program | \$1,000 | SCHROEDER |
| St. Agnes | \$700 | SCHROEDER |
| St. Ambrose Sports Committee | \$1,000 | SCHROEDER |
| St. Martin's Sports Committee | \$1,000 | SCHROEDER |
| St. Teresa's Athletic Club | \$1,000 | SCHROEDER |
| St. Thomas Aquinas Sports Committee | \$1,000 | SCHROEDER |
| Buffalo Building and Construction Trades Council | \$5,000 | SCHROEDER |
| E.M. Cotter Fireboat | \$1,000 | SCHROEDER |
| Union Occupational Health Center | \$1,000 | SCHROEDER |

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| | | |
|--|------------------|-------------|
| United Irish American Association of Erie County | \$1,500 | SCHROEDER |
| Village of Sloan Recreation Dept. | \$2,000 | SCHROEDER |
| Village of Sloan Senior Services | \$1,000 | SCHROEDER |
| West Seneca Youth Bureau AmeriCorps | \$12,000 | SCHROEDER |
| William Street Taxpayers Assn. | \$1,000 | SCHROEDER |
| Puerto Rican Day Parade of WNY Association | \$5,000 | DEBENEDETTI |
| Los Tainos Senior Citizen Center | \$15,000 | DEBENEDETTI |
| West Side Neighborhood Housing Services | \$10,000 | DEBENEDETTI |
| Buffalo Building Trades Development Partnership | \$5,000 | DEBENEDETTI |
| | | |
| TOTAL | \$311,500 | |

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 4 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from Further consideration of Comm. 1E-28. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 13

Re: Extension of Additional 1% Sales Tax Authority – Home Rule Requests.

WHEREAS, the additional 1% Erie County sales and compensating use tax, last extended by Chapter 5 of the Laws of 2003, will expire on February 29, 2004, and

WHEREAS, the Erie County budget for 2004 was adopted in anticipation of an extension of the additional 1% Erie County sales and compensating use tax through February 28, 2005, and

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WHEREAS, failure to extend the additional 1% sales and compensating use tax will result in an estimated shortfall of more than \$100 million in the 2004 Erie County budget, and

WHEREAS, Assembly Bill No. A. _____ and Senate Bill No. S. _____, now pending before the New York State Legislature, would authorize extension of the additional 1% sales and compensating use tax through February 28, 2005;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A. _____, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to extend the additional 1% Erie County sales and compensating use tax for the period March 1, 2004 through February 28, 2005 will result in a 2004 Erie County budget shortfall of more than \$100 million and in the cessation of County services essential to the people of Erie County.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

WHEREAS, the additional 1% Erie County sales and compensating use tax, last extended by Chapter 5 of the Laws of 2003, will expire on February 29, 2004, and

WHEREAS, the Erie County budget for 2004 was adopted in anticipation of an extension of the additional 1% Erie County sales and compensating use tax through February 28, 2005, and

WHEREAS, failure to extend the additional 1% sales and compensating use tax will result in an estimated shortfall of more than \$100 million in the 2004 Erie County budget, and

WHEREAS, Senate Bill No. S. ____ and Assembly Bill No. A. _____, now pending before the New York State Legislature, would authorize extension of the additional 1% sales and compensating use tax through February 28, 2005;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S. _____, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to extend the additional 1% Erie County sales and compensating use tax for the period March 1, 2004 through February 28, 2005 will result in a 2004 Erie County budget shortfall of more than \$100 million and in the cessation of County services essential to the people of Erie County.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

MS. MARINELLI moved to amend the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

- **DELETE the original Home Rule Requests in their entirety and REPLACE with the following two (2) Home Rule Requests:**

(A) WHEREAS, the additional 1% Erie County sales and compensating use tax, last extended by Chapter 5 of the Laws of 2003, will expire on February 29, 2004, and

WHEREAS, the Erie County budget for 2004 was adopted in anticipation of an extension of the additional 1% Erie County sales and compensating use tax through February 28, 2005, and

WHEREAS, failure to extend the additional 1% sales and compensating use tax will result in an estimated shortfall of more than \$100 million in the 2004 Erie County budget, and

WHEREAS, Assembly Bill No. A. 9412-A and Senate Bill No. S. 5883-A, now pending before the New York State Legislature, would authorize extension of the additional 1% sales and compensating use tax through February 28, 2005;

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NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A. 9412-A, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to extend the additional 1% Erie County sales and compensating use tax for the period March 1, 2004 through February 28, 2005 will result in a 2004 Erie County budget shortfall of more than \$100 million and in the cessation of County services essential to the people of Erie County.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

(B) WHEREAS, the additional 1% Erie County sales and compensating use tax, last extended by Chapter 5 of the Laws of 2003, will expire on February 29, 2004, and

WHEREAS, the Erie County budget for 2004 was adopted in anticipation of an extension of the additional 1% Erie County sales and compensating use tax through February 28, 2005, and

WHEREAS, failure to extend the additional 1% sales and compensating use tax will result in an estimated shortfall of more than \$100 million in the 2004 Erie County budget, and

WHEREAS, Senate Bill No. S. 5883-A and Assembly Bill No. A. 9412-A, now pending before the New York State Legislature, would authorize extension of the additional 1% sales and compensating use tax through February 28, 2005;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S. 5883-A, entitled" AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Erie."

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It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to extend the additional 1% Erie County sales and compensating use tax for the period March 1, 2004 through February 28, 2005 will result in a 2004 Erie County budget shortfall of more than \$100 million and in the cessation of County services essential to the people of Erie County.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

MS. MARINELLI moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: NONE.

CARRIED UNANIMOUSLY.

Item 5 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 1E-52. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 14

Re: Erie County Division of Real Property
 Tax Services Agreement with the Town of
 Grand Island & Personal Services Agreements
 For Assessment Services.

WHEREAS, RPTL § 1537(4) authorizes municipalities which have adopted a resolution subject to permissive referendum providing a single appointed successor to enter into an agreement with a county for assessment services; and

WHEREAS, the TOWN OF GRAND ISLAND ("TOWN") has duly adopted a resolution authorizing such agreement in accordance with RPTL § 1537(4); and

WHEREAS, the TOWN has requested that the COUNTY OF ERIE ("COUNTY") enter into a municipal cooperation agreement with the TOWN pursuant to General Municipal Law Article 5-G whereby the COUNTY is willing to provide such services through an employee or personal services

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contractor of the Erie County Real Property Tax Service Office designated to act as the TOWN's sole assessor for the 2004 assessment year; and

WHEREAS, in consideration of the assessment services to be provided by the COUNTY hereunder, the TOWN agrees to pay the COUNTY the sum of \$26,100.00, which sum shall be paid to the COUNTY in four equal installments due on January 15, 2004, April 15, 2004, July 15, 2004, October 15, 2004; and

WHEREAS, in order to provide assessment services to the TOWN, the COUNTY shall engage the services of a New York State certified assessor and a New York State certified appraiser, both of whom have been selected pursuant to the RFP procedure found in § 19.08 of the Erie County Administrative Code.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to enter into a municipal cooperation agreement with the TOWN wherein the COUNTY will provide assessment services to the TOWN for the 2004 assessment year; and be it further

RESOLVED, that the Erie County Executive is authorized to enter into a personal services agreement with DAVID M. UNMACK, an independent contractor and New York State certified assessor, to assist the County in performing assessment services for the TOWN; and be it further

RESOLVED, that the COUNTY shall pay DAVID M. UNMACK for assessment services rendered hereunder the agreed rate of \$60.00 per hour, not to exceed a maximum aggregate of 385 hours (or \$23,100.00); and be it further

RESOLVED, that the Erie County Executive is authorized to enter into a personal services agreement with CHARLES L. SCHIFFLER, an independent contractor and New York State certified real property appraiser, to assist the County in performing assessment services for the TOWN; and be it further

RESOLVED, that COUNTY shall pay CHARLES L. SCHIFFLER the agreed rate of \$40.00 per hour, not to exceed a maximum aggregate of 50 hours (or \$2,000.00); and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Department of Law, the Erie County Real Property Tax Service Office, Division of Budget, Management and Finance, and the Office of the Comptroller.

MS. MARINELLI moved to the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 6 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 1E-53. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 15

Re: Grant Programs – Authorization to Contract.

WHEREAS, the following grant programs are included in Book B of the 2004 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget, Management and Finance with respect to the availability of Federal, State, County and other local source funding for the following grant programs which commence on January 1, 2004:

| <u>Department</u> | <u>Grant Program</u> | <u>2004 Budget Book B Page No.</u> |
|-----------------------------------|--|--|
| 110 -Co. Exec. | Community Coordinating Council on Children and Families | 9 |
| 110 -Co. Exec. | STOP-DWI Program | 9 |
| 110 -Co. Exec. Comm. Dev. Fund | Office of Workforce Development | 19 |
| 140 -Dist. Atty. | STOP-DWI Program | 25 |
| 140 -Dist. Atty. | Motor Vehicle Theft and Insurance Fraud Prevention | 25 |
| 650 -Central Police Services | Arson Laboratory Improvement Program | 63 |
| 150 -Sheriff | Public Awareness is Prevention | 79 |
| 260 -Probation | Intensive Supervision Program . | 95 |
| 260 -Probation | Juvenile Intensive Supervision Program | 95 |
| 260 -Probation | Juvenile Delinquent -Mental Health Diversion Program | 95 |
| 260 -Probation | Alternatives to Incarceration | 95 |
| 260 -Probation | Preventive Services | 97 |
| 221 -DPW -Bldgs. & Grounds | Court and HIRE Training Grant | 223 |
| 641 -Parks, Rec. & Forestry | Youth PINS Program | 289 |
| 200 -Social Svcs. | TANF Services Plan | 293 |
| 200 -Social Svcs. | Outstationed Medicaid Eligibility | 294 |
| 200 -Social Svcs. | Transitional Services Program | 295 |
| 200 -Social Svcs. | Comprehensive Employment Programs | 295 |
| 200 -Social Svcs. | Medicaid Facilitated Enrollment | 296 |
| 200 -Social Svcs. | PINS and Preventive Services | 296 |
| 200 -Social Svcs. | Families Resolutions Project | 297 |
| 620 -Env. & Plg. | Household Hazardous Waste Disposal | 417 |
| 620 -Env. & Plg. | Section 18-B Transportation Operating Assistance | 417 |

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|-------------------|---|-----|
| 620 -Env. & Plg. | Conditionally Exempt Small Quantity Generator | 417 |
| 250 -Youth Bureau | Special Delinquency Prevention Program (SDPP) | 425 |
| 250 -Youth Bureau | Therapeutic Intervention Models Grant (JJDP) | 425 |
| 250 -Youth Bureau | OCFS -Safe Places Grant | 425 |
| 250 -Youth Bureau | DCJS -Youth Intervention Program | 425 |

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following administrative units: County Executive, District Attorney, Central Police Services, Sheriff, Probation, Public Works -Office of the Commissioner, Parks, Recreation and Forestry, Social Services, Environment and Planning, Youth Bureau, Law, Comptroller and Budget, Management and Finance.

MS. MARINELLI moved the approval of the resolution. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 7 – MS. MARINELLI moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 1E-35. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 16

Re: Department of Health and Division of
 Emergency Medical Services – Transfer of
 Funds.

WHEREAS, the Department of Health and the Division of Emergency Medical Services have analyzed their objects of expense and have determined that in Account 821, Dues and Fees, expenditures will exceed appropriations by an estimated \$31,000 and \$22,000 respectively, and

WHEREAS, a transfer of funds must be made in order to continue the provision of vital public health services for the remainder of the 2003 fiscal year.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is hereby approves the following transactions within the accounts of the Department of Health:

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| | |
|--|---------------|
| <u>Division of Emergency Medical Service</u> | |
| Increase -Account, 821 Dues and Fees | \$22,000 |
| <u>Department of Health</u> | |
| Increase -Account 821 Dues and Fees | \$31,000 |
| Decrease -Account 814 Medical Supplies | <u>53,000</u> |
| Net Increase | <u>\$ 0</u> |

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

COMMUNICATION FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 8 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 17

Re: Request for Authorization to Execute an: (i) Sale Purchase and Operating Agreement; (“SPO Agreement”); (ii) Ground Lease; and (iii) ancillary documents to facilitate the lease and/or transfer of Erie County Medical Healthcare Network (“ECMC”) facilities and operating assets to Erie County Medical Center Corporation (“ECMCC”).

MS. MARINELLI moved to amend the resolution. MR. RANZENHOFER seconded. MR. SMITH in the negative.

CARRIED.

• **ADD the following:**

WHEREAS, pursuant to home rule requests from the Erie County Legislature, on July 22, 2003 the New York State Legislature enacted Title 6 of Article 10-C of the Public Authorities Law, which authorized the creation of the Erie County Medical Center Corporation ("ECMCC"), a public benefit corporation; and

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WHEREAS, the County and ECMCC propose to enter into certain agreements to delineate each party's respective duties and obligations with regard to the creation and operation of such a public benefit corporation; and

WHEREAS, among the agreements that proposed to be executed between the County and ECMCC are: (a) a Ground Lease, wherein ECMCC will lease from the County the real property upon which the Erie County Medical Center ("ECMC") and the Erie County Home and Infirmary ("Home") are located (ECMC, the Home and ancillary facilities, collectively, shall hereinafter be known as the "ECMC Healthcare Network" or "ECMC Network"); and (b) a Sale, Purchase, and Operation Agreement ("SPO Agreement") which will provide (i) for ECMCC to purchase from the County certain buildings and other personal property located at ECMC, the Home and elsewhere: and (ii) after the effective date of the transfer of such assets to ECMCC as a public benefit corporation, how ECMCC as a public benefit corporation will be operated; and

WHEREAS, other related and ancillary agreements and documents may have to be executed between the County, ECMCC and others in order to effectuate the transformation of the ECMC Network into a public benefit corporation; and

WHEREAS, Section 6 of New York State General Municipal Law (GML) authorizes or in some cases requires municipal governing bodies to establish various types of reserve funds; and

WHEREAS, Section 6-1 of GML, in particular, mandates a municipal corporation to establish a reserve fund for the purpose of retiring obligations when the cash sale of a capital improvement occurs if: (i) the improvement was financed by the issuance of obligations; and (ii) all or part of such indebtedness is outstanding at the time of such sale; and

WHEREAS, as of the date of the sale of the ECMC Healthcare Network, \$20,212,780 of bonds remain outstanding

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute and deliver the Ground Lease and the SPO Agreement in substantially the form of the documents that are attached hereto; and be it further

RESOLVED, that prior to the County Executive's execution of the Ground Lease and the SPO Agreement, the County Attorney shall review same, and if necessary, approve of any modifications to said agreements that he deems necessary or appropriate to effectuate the transfer of the ECMC Network to ECMCC; and be it further

RESOLVED, that the County Executive is hereby authorized to execute such related and ancillary documents and agreements that the County Attorney deems necessary or appropriate for the transfer of the ECMC Network to ECMCC, subject to the review and approval of such documents by the County Attorney; and be it further

RESOLUTION NO. 019

Re: Division of Information & Support Services and
Department of Social Services – Personnel
Adjustments.
(Comm. 3E-3)

WHEREAS, several positions were transferred from the Erie County Social Services Department to the Erie County Division of Information and Support Services in the 2004 Budget, and

WHEREAS, the Erie County Division of Information and Support Services has discovered that one position of Social Services Network Administrator, Grade 11 Step C, was inadvertently transferred in from the Erie County Social Services Department in the 2004 Budget, and

WHEREAS, the Erie County Division of Information and Support Services should have had one position of Programmer Analyst, Grade 12 Step 5, transferred in from the Erie County Social Services Department in the 2004 Budget, and

WHEREAS, the Erie County Division of Information and Support Services and the Erie County Social Services Department are requesting authorization to transfer one position of Social Services Network Administrator, Grade 11 Step C, from the Erie County Division of Information and Support Services to the Erie County Social Services Department and that one position of Programmer Analyst, Grade 12 Step 5, be transferred from the Erie County Social Services Department to the Erie County Division of Information and Support Services;

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Division of Information and Support Services is authorized to transfer one position of Social Services Network Administrator, Grade 11 Step C, from the Erie County Division of Information and Support Services to the Erie County Social Services Department, and be it further

RESOLVED, the Erie County Social Services Department is authorized to transfer one position of Programmer Analyst, Grade 12 Step 5, from the Erie County Social Services Department to the Erie County Division of Information and Support Services, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Division of Information and Support Services, the Department of Personnel, the Division of Budget, Management and Finance and the Office of the Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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Item 11– (Comm. 3E-4) Calling Special Meeting.

RECEIVED, FILED & PRINTED.

January 16, 2004

Laurie A. Manzella, Clerk
 Erie County Legislature
 25 Delaware Avenue -7th Floor
 Buffalo, New York 14202

Dear Ms. Manzella:

Pursuant to Rule 2.02 of the *RULES OF ORDER* of the Erie County Legislature, you are hereby directed to call a Special Meeting of the Erie County Legislature to be held on **THURSDAY, JANUARY 22, 2004, AT TWO O'CLOCK** in the afternoon of that day in the Erie County Legislative Chambers, 92 Franklin Street, Part 6, Ceremonial Courtroom, Buffalo, New York.

The purpose of this meeting will be to consider and act upon the following:

- COMM. 1E-28 (2004) -*A communication from the County Executive regarding "EXTENSION OF ADDITIONAL 1% SALES TAX AUTHORITY- HOME RULE REQUESTS", and*
- COMM. 1E-35 (2004) -*A communication from the County Executive regarding "HEALTH & EMERGENCY MEDICAL SERVICES -TRANSFER OF FUNDS", and*
- COMM. 1E-52 (2004) -*A communication from the County Executive regarding "ERIE COUNTY DIVISION OF REAL PROPERTY TAX SERVICES AGREEMENT WITH THE TOWN OF GRAND ISLAND & PERSONAL SERVICES AGREEMENTS FOR ASSESSMENT SERVICES", and*
- COMM. 1E-53 (2004) -*A communication from the County Executive regarding "GRANT PROGRAMS -AUTHORIZATION TO CONTRACT", and*
- *A resolution submitted by Legislators Holt and Marinelli regarding "LEGISLATIVE PERSONNEL ADJUSTMENTS", and*
- *A resolution submitted by Legislator Holt regarding "CONSIDERATION FOR PUBLIC BENEFIT FUNDING", and*

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A communication from the County Executive regarding "REQUEST FOR AUTHORIZATION TO EXECUTE AN: (i) SALE PURCHASE AND OPERATING AGREEMENT; ("SPO Agreement"); (ii) GROUND LEASE; and (iii) ANCILLARY DOCUMENTS TO FACILITATE THE LEASE AND/OR TRANSFER OF ERIE COUNTY MEDICAL HEALTHCARE NETWORK ("ECMC") FACILITIES AND OPERATING ASSETS TO ERIE COUNTY MEDICAL CENTER CORPORATION ("ECMCC"), and

- *A communication from the County Executive regarding "APPOINTMENT OF DIRECTOR OF THE ERIE COUNTY MEDICAL CENTER CORPORATION", and*
- *A communication from the County Executive regarding "DIVISION OF INFORMATION & SUPPORT SERVICES AND DEPARTMENT OF SOCIAL SERVICES -PERSONNEL ADJUSTMENTS, IMMEDIATE CONSIDERATION REQUESTED".*

Sincerely,

GEORGE A. HOLT, JR.
 Chairman
 Erie County Legislature

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 12 – (Comm. 3D-1) Special Meeting Notice.

RECEIVED, FILED & PRINTED.

January 16, 2004

To: All Erie County Legislators
 From: Laurie A. Manzella, Clerk of the Legislature
 Subject: **SPECIAL MEETING NOTICE**

PLEASE TAKE NOTICE that pursuant to Rule 2.02 of the *RULES OF ORDER* of the Erie County Legislature and under the direction of Chairman George A. Holt, Jr., there will be a **SPECIAL MEETING** of the Erie County Legislature on **THURSDAY, JANUARY 22, 2004, at two o'clock in the afternoon** of that day in the Erie County Legislative Chambers, 92 Franklin Street, Part 6, Ceremonial Courtroom, Buffalo, New York.

The purpose of this meeting will be to consider and act upon the following:

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ERIE COUNTY LEGISLATURE

- COMM. 1E-28 (2004) -*A communication from the County Executive regarding "EXTENSION OF ADDITIONAL 1% SALES TAX AUTHORITY- HOME RULE REQUESTS", and*
- COMM. 1E-35 (2004) -*A communication from the County Executive regarding "HEALTH & EMERGENCY MEDICAL SERVICES -TRANSFER OF FUNDS", and*
- COMM. 1E-52 (2004) -*A communication from the County Executive regarding "ERIE COUNTY DIVISION OF REAL PROPERTY TAX SERVICES AGREEMENT WITH THE TOWN OF GRAND ISLAND & PERSONAL SERVICES AGREEMENTS FOR ASSESSMENT SERVICES", and*
- COMM. 1E-53 (2004) -*A communication from the County Executive regarding "GRANT PROGRAMS -AUTHORIZATION TO CONTRACT", and*
- *A resolution submitted by Legislators Holt and Marinelli regarding "LEGISLATIVE PERSONNEL ADJUSTMENTS", and*
- *A resolution submitted by Legislator Holt regarding "CONSIDERATION FOR PUBLIC BENEFIT FUNDING", and*
- *A communication from the County Executive regarding "REQUEST FOR AUTHORIZATION TO EXECUTE AN: (i) SALE PURCHASE AND OPERATING AGREEMENT; ("SPO Agreement"); (ii) GROUND LEASE; and (iii) ANCILLARY DOCUMENTS TO FACILITATE THE LEASE AND/OR TRANSFER OF ERIE COUNTY MEDICAL HEALTHCARE NETWORK ("ECMC") FACILITIES AND OPERATING ASSETS TO ERIE COUNTY MEDICAL CENTER CORPORATION ("ECMCC"), and*
- *A communication from the County Executive regarding "APPOINTMENT OF DIRECTOR OF THE ERIE COUNTY MEDICAL CENTER CORPORATION", and*
- *A communication from the County Executive regarding "DIVISION OF INFORMATION & SUPPORT SERVICES AND DEPARTMENT OF SOCIAL SERVICES -PERSONNEL ADJUSTMENTS, IMMEDIATE CONSIDERATION REQUESTED".*

Thank you.

MEMORIAL RESOLUTIONS

Item 13 – Mr. Schroeder requested that when the Legislature adjourns, it do so in memory of Francis Smith.

Item 14 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Harold Carlson.

Item 15 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Dr. Lawrence Goldon.

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Item 16 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Dr. Ignatius S. Bertola.

Item 17 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Murray Weinberg.

Item 18 – Mr. McCarville requested that when the Legislature adjourns, it do so in memory of Madonna Wheelock.

ADJOURNMENT

Item 19 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, February 5, 2004. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, February 5, 2004 at 2 p.m. Eastern Standard Time.

LAURIE A. MANZELLA
CLERK